

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Richmond Division



Case No.

3:21cv570

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☐

No

John D. Lynch II

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

1.) First Citizens Bank & Trust Corp.
10AC-36 / PO Box 25187
Raleigh, N.C. 27611-5187
2.) Orangeburg County, S.C., Delinquent
property tax Dept.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

John D. Lynch II

Street Address

2222 Stuart Avenue, Apt. #1

City and County

Richmond, Virginia

State and Zip Code

Virginia 23220

Telephone Number

804-944-0702

E-mail Address

john.d.lynch839@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name First Citizens Bank & Trust Company
 Job or Title (if known) .
 Street Address 114C-36/P.O. Box 25187
 City and County Raleigh, NC 27611-5187
 State and Zip Code N.C. 27611-5187
 Telephone Number 1-866 676 7456
 E-mail Address (if known)

Defendant No. 2

Name Orangeburg County Delinquent Property
 Job or Title (if known) Tax Department
 Street Address 1437 Amelia St
 City and County Orangeburg, Orangeburg County
 State and Zip Code S.C. 29115
 Telephone Number
 E-mail Address (if known) Orangeburg County-ORg

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/1/2021

Signature of Plaintiff

Printed Name of Plaintiff

John D. Lynch II

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

III Statement of Claim

① First Citizens Bank & Trust
Branch in North

On or about 4/30/2011, I obtained a construction loan^① to build on Parcel of land I owned, a Southland Log Home with Full Basement, designated by Orangeburg County as 211 Cromer Avenue, North, S.C.

29112. I received one property tax Bill in 2020. No others followed. I am unable to determine who paid subsequent property Tax Bills. On advice of counsel at Bulman Law Firm, I gave (by phone to First Citizens Bank & Trust of Raleigh) the property back to the Bank, as I was attempting to lower Chapter 13 monthly payments (U.S. District Court Richmond Division). I am unable to determine:

I.) who paid property Taxes on said Property. According to Richard Jeffcoat of Jeffcoat Tax and Payroll Services, North, S.C. 29112, someone has moved in & "fixed up" the property.

II.) 1.) I am not mortgagor or Mortgagee
2.) I am not a defendant
3.) Grantee: not so.
4.) 211 Cromer is being foreclosed
6.) First Citizens Bank & Trust of Raleigh has sent me Legal Notice for Case No 8-21-2021 for Act # 3509.

9/1/2021 case no.

I have cleared chapter 13 in 2017,
here at Eastern District Bankruptcy
Court some time in 2017.

I would like to repossess & own said
property & pay what is outstanding
& reasonable. As far as First
Citizens Bank Corp - is concerned.

I am still the construction loan
guarantor - I am unable to assess
what property taxes I owe if
any. I am willing to pay the
remainder of a property determined
construction loan and resided
& just property taxes even though I
have been resident of Richmond since
7/1/2021. I beg the courts
just assessment.

iv Relief Is Identity
theft, fraud, malfeasance involved
by Orangeburg County Delinquent Tax
Dept. & or First Citizens Bank &
Trust? Has my Credit Worthiness
been harmed?

Respectfully
John D. Linchitt